



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 08/852,119 | 05/06/1997 | MARTIN KELLY JONES | 507011026 | 6661 |

7590 11/18/2003

SCOTT A HORSTEMEYER
THOMAS KAYDEN
HORSTEMEYER & RISLEY SUITE 1500
100 GALLERIA PARKWAY N W
ATLANTA, GA 30339

EXAMINER

CUCHLINSKI JR, WILLIAM A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3661

DATE MAILED: 11/18/2003

42

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/852,119

Applicant(s)

JONES, MARTIN KELLY

Examiner

William A. Cuchlinski, Jr.

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-25 and 27-49 is/are rejected.
- 7) ☒ Claim(s) 13 and 26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The finality of the Office action of March 9, 1999, paper no. 9, is hereby withdrawn.
2. In view of newly discovered prior art the following action is hereby taken.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 10, 12, 14-17, 21, 23, 25, 27, 30, 31, 33, 37, 39, 43, 45, and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Pilley U.S. Patent 5,200,902.
5. Pilley discloses a system and method of notifying a user in advance of an impending arrival of a vehicle at a location or stop, as recited in claims 1-3, 10, 12, 14-17, 21, 23, 25, 27, and 30. Pilley also discloses a system and method for permitting specification of when advance notification will occur in an advance notification system, the advance notification system for notifying a party of impending arrival of a vehicle at a particular location, as recited in claims 31, 33, 37, 39, 43, 45, and 49. The GNSS transmitter 15 sends information regarding the aircraft's (vehicle) location, speed, and heading to the receiver 17 and this is displayed on screen 14 as a message. Knowing these variables and the current time, an estimate time of arrival is a matter of a simple, well-known calculation. Therefore the user will be notified in advance of an impending arrival of a vehicle at a location.

Art Unit: 3661

6. Claims 1-4, 10, 12, 14, 31, 33, 34, 37, 39, 40, 43, 45, 46, and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayashi et al. U.S. Patent 4,307,859.

7. Hayashi et al. Disclose a system and method of notifying a user in advance of an impending arrival of a vehicle at a location or stop, as recited in claims 1-4, 10, 12, and 14. Hayashi et al. also discloses a system and method for permitting specification of when advance notification will occur in an advance notification system, the advance notification system for notifying a party of impending arrival of a vehicle at a particular location, as recited in claims 31, 33, 34, 37, 39, 40, 43, 45, 46, and 49. As shown in Fig. 2 the train tracking circuit 11 receives information regarding the location and speed of the train. The train information memory 12 stores information regarding the name, destination, track number and time of departure for each train. The announcement message edition circuit 13 stores a series of message patterns for notifying a user of an impending arrival of a train based on the information from the tracking circuit 11.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

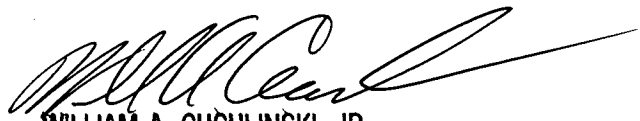
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4-9, 11, 18-20, 22, 24, 28, 29, 32, 34, 35, 36, 38, 40, 41, 42, 44, and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pilley U.S. Patent 5,200,902. Pilley discloses a system and method of notifying a user in advance of an impending arrival of a vehicle at a location or stop, as recited in claims 4-9, 11, 18-20,

22, 24, 28, and 29. Pilley also discloses a system and method for permitting specification of when advance notification will occur in an advance notification system, the advance notification system for notifying a party of impending arrival of a vehicle at a particular location, as recited in claims 32, 34, 35, 36, 38, 40, 41, 42, 44, and 46-48. Pilley does not disclose the specific details and functions of the notification system. These details and functions are old and well-known functions of notification systems. Therefore, to provide the system of Pilley with these specific details and functions would have been obvious at the time of the invention.

10. Claims 13 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to William A. Cuchlinski, Jr. at telephone number (703) 308-3873.


WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600